

REMARKS

By this paper, claims 67 and 69 have been amended. Claims 51-73 remain pending.

In the outstanding Office action dated March 6, 2006, claim 67 was rejected under 35 U.S.C. § 112, second paragraph for indefiniteness. The Applicants have amended claim 67 as suggested by the Examiner to recite "an aneurysm." As such, it is believed that the § 112, second paragraph rejection has been traversed.

Moreover, in the outstanding Office action, claims 51 and 53-60 were rejected under 35 U.S.C. § 102(e) as being anticipated by Laufer et al. (6,488,673) and claims 61-66, 68-71 and 73 were rejected under § 102(e) as being anticipated by Laufer et al. Moreover, claim 52 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Laufer et al. and claims 69, 72 and 73 were rejected under § 103(a) as being unpatentable over Setilles (5,871,522). Claim 67 was identified as being allowable if rewritten to overcome the § 112, second paragraph rejection as well as to include all of the limitations of its base claim and any intervening claims.

It is respectfully submitted, however, that each of independent claim 51 and its dependent claims 53-60 as well as independent claim 61 and its dependent claims 62-66 and 68 recite subject matter not taught by the Laufer et al. patent. Notably, in rejecting the claims under § 102(e) in view of the Laufer et al. patent, the Examiner stated that the cited patent discloses the methods recited in the claims and directed the Applicant's attention to Column 9, lines 44-52; Column 11, line 8-38; Column 16, lines 30-53; and Column 26, line 38 - Column 27, line 3. Significantly, the sections of the Laufer et al. patent upon which the Examiner relies to reject the claims do not teach the method recited in claim 51 and its dependent claims which involve applying an agent in combination with energy to a target region. Similarly, the Laufer et al. patent does not teach the method of claim 61 and its dependent claims which involve

administering a therapeutically affective amount of a photoactivatable agent to a subject such that the agent is taken up by an adventitial area of a target tissue. Accordingly, it is respectfully submitted that the Laufer et al. patent does not anticipate claims 51, 53-66 and 68 since it does not teach each and every limitation recited in those claims. Moreover, it is respectfully submitted that the Laufer et al. patent does not teach the method of amended claim 69 or its dependent claims 70, 71 and 73 due to the recitation therein of administering an agent and accomplishing an interaction between the agent and UVC irradiation applied to a target region of tissue. Thus, it is respectfully submitted that claims 69-71 and 73 are also not anticipated by the Laufer et al. patent.

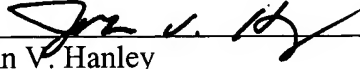
With respect to the § 103(a) rejection of claim 69, 72 and 73 in view of the Setilles patent, it is respectfully submitted that independent claim 69 as amended as well as its dependent claims 72 and 73 now define patentable subject matter. That is, the Setilles patent does not teach a method involving accomplishing an interaction between an agent and UVC energy to induce fibrosis or increase an adventitial layer in at least one layer of tissue. Therefore, it is believed that the § 103(a) rejection of claims 69, 72 and 73 is thereby traversed.

CONCLUSION

In view of the above remarks, Applicants respectfully request that the application be reconsidered, the claims allowed and the application passed to issue.

Respectfully submitted,

FULWIDER PATTON LLP

By: 
John V. Hanley
Registration No. 38,171

JVH/kst
Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Telephone: (310) 824-5555
Facsimile: (310) 824-9696
Customer No. 24201
131305.1